



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM:

WEB COPY

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

C.R.P (MD) No.97 of 2017 (PD)

Sakunthala

.. Petitioner/Petitioner

Vs.

1.Vasantha

2.V.Muthusamy

..Respondents/Respondents 1&2

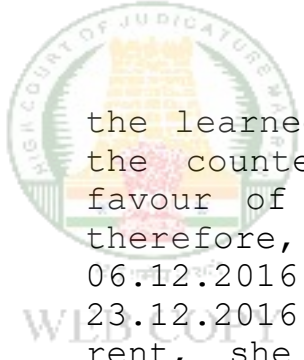
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to direct the learned Rent Controller (District Munsif Court), Dindigul to dispose of the H.R.C.O.P.No.5 of 2016 and I.A.No.28 of 2016 on the file of the learned Rent Controller (District Munsif Court), Dindigul in accordance with law within a time framed that may be stipulated by this Court.

For Petitioner : Mr.A.Hariharan

**ORDER**

The petitioner has filed this Civil Revision Petition to direct the learned Rent Controller (District Munsif Court), Dindigul to dispose of the H.R.C.O.P.No.5 of 2016 and I.A.No.28 of 2016 on the file of the learned Rent Controller (District Munsif Court), Dindigul in accordance with law within a time framed that may be stipulated by this Court.

2.The petitioner filed H.R.C.O.P.No.5 of 2016 before the Rent Controller (District Munsif Court), Dindigul for eviction of the first respondent under Section 10(2)(1) and 10(3c) of the Tamil Nadu Building (Lease and Rent Control) Act, 1960. The first respondent was in arrears of rent to the tune of Rs.12,500/- and therefore, the petitioner filed I.A.No.28 of 2016 under Section 11 (4) of the Tamil Nadu Buildings (Lease and Rent Contro) Act, 1960 for eviction of the first respondent by striking of the defence on 18.04.2016. The first respondent filed counter statement in HRCOP on 07.10.2016 through an Advocate by name Mr.M.Saleem and the said Advocate also made an endorsement that the counter filed in HRCOP may be adopted in I.A.No.28 of 2016 and the said Advocate filed a memo on 11.11.2016 stating that written statement filed in HRCOP could be adopted as counter in I.A.No.28 of 2016. On 11.11.2016



the learned Rent Controller on verification of records found that the counter filed by Advocate Mr.Karuppasamy and Mr.Saleem in favour of the first respondent, without filing any vakalat and therefore, HRCOP was posted for clarification on 06.12.2016. Since 06.12.2016 was declared as holiday, the matter was reposted to 23.12.2016. The first respondent is in arrears, without paying the rent, she is in possession and enjoyment of the petitioner's property. In the circumstances, the petitioner has come out with the present Civil Revision Petition.

3.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4.Having been taken into consideration of the material facts and circumstances, this Court is of the view that in the interest of justice, it may be expedient to issue a direction to the Rent Controller (District Munsif Court), Dindigul.

5.Accordingly, this Civil Revision Petition is allowed and the learned Rent Controller (District Munsif Court), Dindigul is directed to dispose of I.A.No.28 of 2016 as expeditiously as possible, in any event, not later than, 30<sup>th</sup> March, 2017 and thereafter to dispose the H.R.C.O.P.No.5 of 2016 on or before 30<sup>th</sup> April, 2017. No costs.

Sd/-  
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

am

To  
The Rent Controller (District Munsif Court), Dindigul.

**COPY TO:**

The Section Officer, V.R.Section,  
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.A.Hariharan, Advocate Sr.No. 2767

JAM/08.02.17/MR-VB/2P-4C

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